



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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Greenerd Press & Machine Co., Inc.
41 Crown Street
Nashua, NH 03061

**ADMINISTRATIVE ORDER
No. WMD 03-27**

October 17, 2003

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to Greenerd Press & Machine Co., Inc. pursuant to RSA 147-A:14. This Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES") is a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 29 Hazen Drive, Concord, NH 03301.
2. Greenerd Press & Machine Co., Inc. ("Greenerd Press") is a New Hampshire corporation that registered with the New Hampshire Secretary of State's Office on October 10, 1962. Greenerd Press has a mailing address of, and operates a facility located at, 41 Crown Street, Nashua, NH 03061.

C. STATEMENT OF FACTS AND LAW

1. RSA 147-A authorizes DES to regulate the management, including storage, treatment, containerization, transportation, and disposal of hazardous wastes. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted New Hampshire Administrative Rules Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. Greenerd Press is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities through DES on November 16, 1989. EPA Identification Number NHD001079805 was assigned to Greenerd Press's site located at 41 Crown Street, Nashua, NH (the "Facility").
3. On July 1, 2003, DES personnel conducted an inspection (the "Inspection") of the Facility. The purpose of the Inspection was to determine Greenerd Press's compliance status relative to RSA 147-A and the Hazardous Waste Rules.

4. During the Inspection, DES personnel observed hazardous wastes stored in the two (2) main hazardous waste storage areas, the "Machine Shop" and the "Assembly/Paint Area".
5. Env-Wm 504.02(e) requires generators to notify DES in writing of any changes to the information provided in Env-Wm 504.02(b)(3); (5), or (6), which includes changes in ownership, within 30 days of the effective date of any change.
6. Greenerd Press did not notify DES of the change in ownership of the Facility which occurred on May 29, 2001.
7. Env-Wm 507.01(a)(3) requires hazardous waste to be placed in containers or tanks that are closed at all times except to add or remove waste.
8. During the Inspection, DES personnel observed two (2) 55-gallon containers of hazardous waste located in the Assembly/Paint Area that were not closed. See the attached Hazardous Waste Container Inventory ("Inventory").
9. Env-Wm 507.03(a)(1)a. requires containers and tanks to be marked with the beginning accumulation date when they are first used to store hazardous waste.
10. During the Inspection, DES personnel observed six (6) 55-gallon containers of hazardous waste located in the Assembly/Paint Area and four (4) 30-gallon containers of hazardous waste located in the Machine Shop that were not marked with the beginning accumulation date. (See the attached Inventory.)
11. Env-Wm 507.03(a)(1)b., c., and d. require containers and tanks used for the storage of hazardous waste to be clearly marked with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number when they are first used to store hazardous waste.
12. During the Inspection, DES personnel observed three (3) 55-gallon containers of hazardous waste located in the Assembly/Paint Area and four (4) 30-gallon containers of hazardous waste located in the Machine Shop that were not marked with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number. One (1) 55-gallon container of hazardous waste paint thinner located in the Assembly/Paint Area was not marked with words that identify the contents of the container and the EPA or state waste number. One (1) 55-gallon container of hazardous waste parts washer fluid located in the Assembly/Paint Area was not marked with the EPA or state waste number. (See the attached Inventory.)
13. Env-Wm 507.03(a)(2) requires that hazardous waste labels are not hidden by walls or other containers.
14. At the time of the Inspection, DES personnel observed one (1) 55-gallon container of hazardous waste parts washer fluid, located in the Assembly/Paint Area, that had a label hidden by a wall and other containers. (See the attached Inventory.)

15. Env-Wm 509.02(a)(1), which references 40 CFR Part 265.15, General Inspection Requirements, requires full quantity generators to conduct inspections of the Facility, including the hazardous waste storage area, and to document the inspections.
16. At the time of the Inspection, Greenerd Press was not conducting and documenting inspections of the Assembly/Paint Area and Machine Shop.
17. Env-Wm 509.02(a)(2), which references 40 CFR Part 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program for its employees responsible for handling hazardous waste.
18. At the time of the Inspection, Greenerd Press did not have a personnel training program and was not providing hazardous waste training to employees responsible for handling hazardous waste.
19. Env-Wm 509.02(a)(4), which references 40 CFR Part 265, Subpart C, Preparedness and Prevention, requires full quantity generators to maintain spill control equipment near hazardous waste storage areas.
20. At the time of the Inspection, Greenerd Press did not have spill control equipment near the Machine Shop.
21. Env-Wm 509.02(a)(4), which references 40 CFR Part 265, Subpart C, Preparedness and Prevention, requires full quantity generators to maintain adequate aisle space around all containers in the hazardous waste storage areas.
22. At the time of the Inspection, Greenerd Press did not maintain adequate aisle space around one (1) 55-gallon container of hazardous waste parts washer fluid observed in the Assembly/Paint Area.
23. Env-Wm 509.02(a)(5), which references 40 CFR Part 265, Subpart D, Contingency Plan and Emergency Procedures, requires full quantity generators to maintain a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.
24. At the time of the Inspection, Greenerd Press did not have an up-to-date hazardous waste Contingency Plan.
25. Env-Wm 509.02(b) requires a list of the steps to take in the event of an emergency and emergency numbers to be posted at the telephone nearest to each hazardous waste storage area.
26. During the Inspection, DES personnel confirmed that Greenerd Press did not have emergency phone postings located at the telephones nearest to the Machine Shop and the Assembly/Paint Area.

27. Env-Wm 509.03 requires that all satellite storage containers be located at or near any point of generation where the wastes initially accumulate and be under the control of the operator of the process generating the waste.

28. At the time of the Inspection, Greenerd Press was handling one (1) 55-gallon container of hazardous waste grinding sludge located in the Machine Shop as a satellite storage container; however, the location of the container did not meet the satellite storage criteria of "under the control of the operator" or "at or near the point of generation."

29. Env-Wm 509.03(b) requires that satellite handlers of hazardous waste receive initial hazardous waste training and receive review training every three (3) years.

30. At the time of the Inspection, Greenerd Press was not providing hazardous waste training to nine (9) assemblers and one (1) machinist responsible for handling satellite storage containers of hazardous waste.

31. Env-Wm 509.03(d) requires generators utilizing the satellite storage provision to place hazardous waste in containers that are closed at all times except to add or remove waste.

32. During the Inspection, DES personnel observed one (1) 55-gallon satellite storage container of hazardous waste grinding sludge located in the Machine Shop, and one (1) 55-gallon satellite storage container of hazardous waste used hydraulic oil located in the Assembly/Paint Area that were not closed. (See the attached Inventory.)

33. Env-Wm 509.03(g) requires containers used for the satellite storage of hazardous waste to be clearly marked with the words "hazardous waste", and words that identify the contents of the container at the time the container is first used to store wastes.

34. During the Inspection, DES personnel observed one (1) 55-gallon satellite storage container of hazardous waste grinding sludge located in the Machine Shop, and one (1) 55-gallon satellite storage container of hazardous waste used hydraulic oil located in the Assembly/Paint Area that were not marked with the words "hazardous waste", and words that identify the contents of the container. (See the attached Inventory.)

35. Env-Wm 509.03(h) requires that containers in satellite storage areas, that have accumulated greater than 10 gallons of hazardous waste, must be inspected at least monthly for leaks and for deterioration caused by corrosion or other factors.

36. At the time of the Inspection, Greenerd Press had not documented the inspections of the two satellite storage areas over the past three (3) years.

37. Env-Wm 510.02(d) requires that the generator retain one (1) copy of the manifest, give five (5) copies to the transporter, and forward one (1) copy to the destination state and one (1) copy to DES within five (5) days of shipment.

38. At the time of the Inspection, Greenerd Press had not submitted three (3) hazardous waste manifests to DES, including Manifest No. MAM559736, dated July 12, 2000; Manifest No. MAM183380, dated April 29, 2003; and Manifest No. NHH0051248, dated April 29, 2003.

39. Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies for three (3) years from the date of signature by the generator.

40. At the time of the Inspection, Greenerd Press did not have on file copies of two (2) hazardous waste manifests certified by the designated facility, including Manifest No. MAM183380, dated April 29, 2003; and Manifest No. NHH0051248, dated April 29, 2003.

41. Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03.

42. During the Inspection, Greenerd Press personnel explained that used hydraulic oil is generated from the manufacture and assembly of hydraulic presses. In the past, a degreasing product was used that would contaminate the oil, and generate an ignitable (D001) hazardous waste. That degreaser is no longer used at Greenerd Press. At the time of the Inspection, Greenerd Press could not provide results of an initial used oil determination to DES personnel.

43. Subsequent to the Inspection, Greenerd Press submitted hydraulic oil analytical results from a sample collected in January 2003; however, the analytical results did not include results for total halogens.

D. DETERMINATION OF VIOLATIONS

1. Greenerd Press has violated 504.02(e) by failing to notify DES in writing of the change in the ownership of the Facility within 30 days of the effective date of the change.

2. Greenerd Press has violated 507.01(a)(3) by failing to place hazardous waste in containers or tanks that are closed at all times except to add or remove waste.

3. Greenerd Press has violated 507.03(a)(1)a. by failing to mark each hazardous waste container or tank with the beginning accumulation date when they are first used to store hazardous waste.

4. Greenerd Press has violated Env-Wm 507.03(a)(1)b., c., and d. by failing to mark each hazardous waste container with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number when they are first used to store hazardous waste.

5. Greenerd Press has violated Env-Wm 507.03(a)(2) by failing to ensure that hazardous waste labels are not hidden by walls or other containers.

6. Greenerd Press has violated Env-Wm 509.02(a)(1) by failing to conduct and document inspections of the Facility, including the hazardous waste storage areas.

7. Greenerd Press has violated Env-Wm 509.02(a)(2) by failing to maintain a personnel training program and to adequately train all personnel responsible for handling hazardous waste.
8. Greenerd Press has violated Env-Wm 509.02(a)(4) by failing to maintain spill control equipment within 100 feet of the hazardous waste storage area.
9. Greenerd Press has violated Env-Wm 509.02(a)(4) by failing to maintain adequate aisle space around all containers in the hazardous waste storage areas.
10. Greenerd Press has violated Env-Wm 509.02(a)(5) by failing to maintain an up-to-date contingency plan at the Facility.
11. Greenerd Press has violated Env-Wm 509.02(b) by failing to post emergency information at the telephone nearest to the hazardous waste storage areas.
12. Greenerd Press has violated Env-Wm 509.03 by managing one (1) container of hazardous waste as a satellite storage container that was not under the control of the operator nor at or near the point of generation.
13. Greenerd Press has violated Env-Wm 509.03(b) by failing to train all personnel responsible for handling satellite storage hazardous waste containers.
14. Greenerd Press has violated Env-Wm 509.03(d) by failing to place hazardous waste in satellite storage hazardous waste containers that are closed at all times except to add or remove waste.
15. Greenerd Press has violated Env-Wm 509.03(g) by failing to mark each satellite storage hazardous waste container with the words "hazardous waste" and words that identify the contents of the container.
16. Greenerd Press has violated Env-Wm 509.03(h) by failing to conduct inspections of satellite storage areas that have accumulated greater than 10 gallons of hazardous waste at least monthly for leaks and for deterioration caused by corrosion or other factors.
17. Greenerd Press has violated Env-Wm 510.02(d) by failing to submit copies of three (3) hazardous waste manifests to DES.
18. Greenerd Press has violated Env-Wm 512.01(a)(1) by failing to retain copies of two (2) manifests certified by the designated facility.
19. Greenerd Press has violated Env-Wm 807.06(b)(7) by failing to conduct an adequate used oil determination for the used hydraulic oil waste stream.

E. ORDER

Based on the above findings, DES hereby orders Greenerd Press as follows:

Submit a subsequent notification form to DES to document the change in ownership information of the Facility.

30 DAYS

- 2 Ensure that hazardous waste containers are properly sealed, and bungs or lids are closed except when wastes are actually being added to or removed from the container, as specified in Env-Wm 507.01(a)(3).

COMPLETED

Note: In a submittal dated September 3, 2003, Greenerd Press provided documentation that all containers were closed.

- 3 Ensure that all hazardous waste containers and tanks are clearly marked with the beginning date of accumulation, as specified in Env-Wm 507.03(a)(1)a.

COMPLETED

Note: In the September 3, 2003 submittal, Greenerd Press provided documentation that all containers were marked with the beginning accumulation date.

4. Ensure that all hazardous waste containers and tanks are clearly marked with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number, as specified in Env-Wm 507.03(a)(1)b., c., and d.

COMPLETED

Note: In the September 3, 2003 submittal, Greenerd Press provided documentation that all containers were marked with the words "hazardous waste", words that identify the contents of the container, and the EPA or state waste number.

- 5 Ensure that all labels on hazardous waste containers are accessible for viewing and are not hidden by walls or other containers.

COMPLETED

Note: At the time of the inspection, Greenerd Press moved the one (1) 55-gallon container to allow the label to be viewed.

- 6 Develop and implement a general inspection program, as specified in Env-Wm 509.02(a)(1), which references 40 CFR Part 265.15, General Inspection Requirements. This

COMPLETED

program must provide for, at a minimum, weekly inspections of storage areas.

Note: In a submittal dated July 17, 2003, Greenerd Press provided a copy of their inspection checklist to be used in their general inspection program, as well as completed copies of inspections of the hazardous waste storage areas.

7. Develop and maintain a personnel training program as specified in Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, including: **60 DAYS**
- a. Ensure that all personnel handling hazardous waste receive initial hazardous waste management training and annual updates of their training [40 CFR 265.16(c)]; and
 - b. Ensure that the following documents and records are maintained at the Facility:
 - 1 Job title for each position at the Facility related to hazardous waste management, and the name of the employee filling each job;
 - 2. A written job description, including requisite skills, education and duties, for positions with hazardous waste management duties; and
 - 3. Documentation that training has been completed.
8. The Facility must maintain spill control equipment within 100 feet of the Machine Shop hazardous waste storage area, as specified in Env-Wm 509.02(a)(4). **COMPLETED**
- Note: In the September 3, 2003 submittal, Greenerd Press provided documentation that spill control equipment was placed within the Machine Shop hazardous waste storage area.*
9. The Facility must maintain adequate aisle space around all containers in the hazardous waste storage areas, as specified in Env-Wm 509.02(a)(4). **COMPLETED**
- Note: In the July 17, 2003 submittal, photographs exhibited that all containers of hazardous waste had at least two feet of aisle space on at least one side.*

10. The Facility must update the site specific contingency plan as specified in Env-Wm 509.02(a)(5), which references 40 CFR 265 Subpart D, Contingency Plan and Emergency Procedures, including, but not limited to, emergency coordinator information.

30 DAYS

Note: In the July 17, 2003 submittal, Greenerd Press provided a copy of their updated Contingency Plan. Be advised that Greenerd Press must also submit the updated plan to the local fire, police, and hospital, and submit documentation to DES substantiating that the plan has been received.

1. Ensure that a list of the steps to take in the event of an emergency are posted at the telephone nearest to each hazardous waste storage area, as specified in Env-Wm 509.02(b).

COMPLETED

Note: In the July 17, 2003 submittal, Greenerd Press provided a copy of their emergency posting and photographs of the posting at the telephones nearest to the hazardous waste storage areas.

12. The Facility must manage the one (1) 55-gallon container of grinding sludge located in the Machine Shop according to the provisions of Env-Wm 509.02 (i.e., full storage area regulations). Alternatively, Greenerd Press can move the container to a location at or near the point of generation of the waste, and continue to manage the container as a satellite storage container.

COMPLETED

Note: In the September 3, 2003 submittal, Greenerd Press provided documentation that the container was moved to a location near the surface grinder which generates the grinding sludge.

13. Ensure that all personnel managing hazardous waste satellite storage containers receive initial hazardous waste management training and training updates every three years, as specified in Env-Wm 509.03(b).

COMPLETED

Note: In the September 3, 2003 submittal, Greenerd Press provided documentation that all satellite storage handlers have been trained.

14. Ensure that satellite storage containers are properly sealed, and bungs or lids are closed except when hazardous waste is actually being added to or removed from the container as specified in Env-Wm 509.03(d). **COMPLETED**

Note: In the September 3, 2003 submittal, Greenerd Press provided documentation that all satellite storage containers were closed.

5. Ensure that all satellite storage containers are clearly marked with the words "Hazardous Waste", and words that identify the contents of the container, as specified in Env-Wm 509.03(g). **COMPLETED**

Note: In the September 3, 2003 submittal, Greenerd Press provided documentation that all satellite storage containers were marked with the words "Hazardous Waste", and words that identify the contents of the container.

16. Develop and implement an inspection program for satellite storage areas in which greater than 10 gallons of hazardous waste have been accumulated. The program must provide for, at a minimum, monthly inspections of the storage areas looking for leaks and for deterioration caused by corrosion or other factors, as specified in Env-Wm 509.03(h). **30 DAYS**

17. Submit the following three (3) hazardous waste manifests to DES and properly retain and distribute manifest copies for future shipments of hazardous waste. **COMPLETED**

Manifest No. MAM559736, dated July 12, 2000
Manifest No. MAM183380, dated April 29, 2003
Manifest No. NHH0051248, dated April 29, 2003

Note: During the July 1, 2003 Inspection, Greenerd Press provided DES with copies of the manifests listed above.

18. Obtain, and retain on file, copies of the following two (2) hazardous waste manifests. Manifest copies for future shipments of hazardous waste must also be retained with facility records. **COMPLETED**

Manifest No. MAM183380, dated April 29, 2003
Manifest No. NHH0051248, dated April 29, 2003

Note: In the July 17, 2003 submittal, Greenerd Press provided copies of the manifests listed above.

19. Perform a used oil determination as specified in Env-Wm 807.06(b)(7) for the used hydraulic oil, and submit the results along with any supporting data to DES.

60 DAYS

Note: Used oil determination analytical results were provided to DES in the July 17, 2003 and September 3, 2003 submittals. The documentation, however, did not include results for total halogens content. Greenerd Press must test the used hydraulic oil for total halogens and submit the analytical results to DES.

20. Submit a written status report to DES within thirty-five (35) calendar days, and a second report within sixty-five (65) calendar days of the date of this Order, certifying that corrective measures have been implemented and compliance achieved. Include in the report supporting documentation describing those measures taken to achieve compliance and copies of any written plans or proceedings developed.

21. Please address all submittals, **other than appeals**, to

Kenneth W. Marschner, Administrator
DES, WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from DES's Public Information Center at (603) 271-2975 or at <http://www.des.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Greenerd Press of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA Ch. 147-A provides for civil and criminal penalties and administrative fines for violations of the statute or any rule adopted by DES relative to the statute, as well as for violations of this Order. RSA 147-A:17 provides for civil forfeitures of up to \$50,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

DES will continue to monitor the compliance status of Greenerd Press to determine whether the Facility has come into, and is maintaining, full compliance with the applicable rules. Future violations will result in additional enforcement action being taken. Greenerd Press is required to maintain compliance with all on-going requirements, including those identified as being "COMPLETED" in Section E of the Order.

Greenerd Press may assert a confidentiality claim covering part or all of the information requested which constitutes a trade secret, in accordance with RSA 147-A:7, II. If no such claim accompanies the information when it is received by DES, it may be made available to the public by DES without further notice to Greenerd Press.

~~COPY~~

Philip J. O'Brien, Ph.D., P.G.
Director, Waste Management Division
Department of Environmental Services

~~COPY~~

Michael P. Nolin

Commissioner
Department of Environmental Services

CERTIFIED MAIL/RRR# 7099 3400 0002 9774 0245

cc: DB/RCRA/ORDER/ARCHIVE
Gretchen Rule, Administrator, DES Legal Unit
Public Information Coordinator, DES
Jennifer Patterson, NHDOJ-OAG
City Clerk, City of Nashua, NH
Dan Messier, Assembly/Safety Coordinator, Greenerd Press

e-mail: John Duclos, HWCS

enclosure: Hazardous Waste Generator Inspection Report
Waste Container Inventory